



THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, DC 20301-1200

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MEMORANDUM FOR SURGEON GENERAL OF THE ARMY
SURGEON GENERAL OF THE NAVY
SURGEON GENERAL OF THE AIR FORCE

SUBJECT: An Additional Permissible Waiver of State Physician Licensure due to
Administrative or Financial Requirements Inharmonious with Federal Policy

This memorandum issues an additional determination concerning the first step of the waiver process and authorizes the Surgeons General to grant individual waivers to requesting physicians based on this determination. Previous policy guidance in this area has been issued in memorandums dated January 29, 1999, May 14, 1999, and September 28, 1999.

The requirement for an "unrestricted license that is not subject to limitation on the scope of practice ordinarily granted" by the State may be waived for individual physicians who do not hold a full scope license but who hold a license in the state of Colorado. Pursuant to the requirements of Section 13-64-301(1)(a), C.R.S., every physician who holds or desires to obtain a Colorado medical license must maintain a certain level of professional liability coverage. A federal civilian or military physician whose practice is limited solely to that required by his/her federal/military agency is exempted from this requirement. Although the exclusive practice provision is a limitation on the scope of practice, the requirement for an unrestricted license may be waived for a physician who obtains a Colorado license in a licensure category which exempts the physician from the professional liability coverage. This requirement is unrelated to clinical competency and is inharmonious with Federal policy, under which professional liability is managed under the Federal Tort Claims Act.

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